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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5679 of 2007

PETITIONER		Kuldeep Kujur, S/o Late Markus Kujur, aged about 36 years, Occupation Vaigyanik Adhikari (Scientist), Mobile Unit, Scene of Crime, Ambikapur, District Surguja (C.G.)
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through: Secretary Department of Home Affairs, Mantalaya, D.K.S. Bhawan, Raipur (C.G.)
	2	The Director, Forensic Science Laboratory, Raipur (C.G.)
	3.	Collector, Surguja at Ambikapur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri S.D. Singh, Counsel for the petitioner.
Shri Ajay Dwivedi, Panel Lawyer for the State.

ORAL ORDER
(08.10.2007)

SUNIL KUMAR SINHA, J

Heard.

The petitioner, who is working on the post of Scientist has been transferred from Sarguja Mobile Unit to Forensic Science Laboratory, Raipur on administrative grounds vide order dated 25/1/2007.

Learned counsel for the petitioner submits that the transfer has been affected against the Policy of the State, which says that only 10% of the total number of employees should be transferred from a particular cadre.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner is working at Ambikapur, he submits that the petitioner is working at Ambikapur from last 5 years. He also submits that the wife of the petitioner is working as Librarian in a Local Institution and they have a child aged about 2 ½ years.

So far as argument pertaining to violation of the Policy is concerned, the same cannot be entertained as a ground for interference with the order of transfer. Moreover, the Policy (Annexure P/2) annexed with the petition is a Policy pertaining to the year 2004-2005.

Learned Panel Lawyer submits that the new policy has been introduced and there are many changes in such Policy.

As far as grounds regarding wife and husband working at a particular place and the personal difficulty regarding a child aged about 2 ½ years are concerned, these are the personal grounds, which cannot be pressed into motion before a Court of law.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rules or Act, it cannot be interfered by a Court of Law.

In the present case, learned counsel for the petitioner could not point out any circumstance to show that the order of transfer is vitiated by malafides or extraneous considerations or is against any statutory Rules or the Act.

I am not inclined to entertain this petition on the grounds pressed.

The petition has no merit and the same is dismissed at the motion stage itself.

However, looking to the personal difficulties of the petitioner, if so advised, the petitioner may file a representation before the concerned authority, who shall consider and dispose of the same in accordance with law at the earliest.

Sd/-
Sunil Kumar Sinha
Judge

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